REMARKS

Prior to entry of this paper, Claims 1-22, 26-42, 47-48, and 52-59 were pending. No amendments are made in this paper. Claims 1-22, 26-42, 47-48, and 52-59 are currently pending. For at least the following reasons, Applicants respectfully submit that each of the presently pending claims is in condition for allowance.

Claims 1-22, 26-32, 47-48 and 52-59

Claims 1-22, 26-32, 47-48, and 52-59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Albert et al. (U.S. Patent No. 6,742,045) hereafter "Albert" in view of Datta et al. (U.S. Patent No. 6,493,341) hereafter "Datta". Claims 57-59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Albert in view of Datta and further in view of Hong et al. (U.S. Patent Publication No. 2002/0062372) hereafter "Hong".

Independent Claim 1 is respectfully submitted to be allowable at least because neither Albert nor Datta, singly or in combination, discloses, teaches, or suggests, "if each received packet in the flow of packets is unassociated with the traffic manager, performing actions, including: (A) selecting another traffic manager; and (B) associating the other traffic manager with the flow of packets, wherein each received packet in the flow of packets is forwarded to the other traffic manager", as recited in Applicants' Claim 1.

In the last Office Action, the Office stated that Albert fails to explicitly disclose the aforementioned recitation (see first full paragraph of page 4 of the Office Action dated December 28, 2009). However, Datta fails to cure this deficiency in Albert. The Office states that, in Datta, col. 17, lines 28-50 discusses that the controller 202 selects another router. However, when controller 202 selects another router, as discussed col. 17, line 43 of Datta, the selected other router is not associated with the flow of packets, and each packet in the flow of packets is not forwarded to the other router. It is only the SYN packet itself for which the packet is routed to the other router in Datta, not the entire flow of packets. See col. 17, lines 27-44 of Datta. It is the SYN packet itself that is modified to use the selected router in Datta. Because only the SYN packet, and not the entire

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flow of packets, is associated with the other router in Datta, Datta fails to cure the aforementioned deficiency of Albert.

Additionally, there is no apparent reason for the proposed combination of Albert and Datta. The Office states, "it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Albert '045 as taught by Datta '341 since Datta '341 stated in col. 3, lines 60+ that such a modification would be an advancement/improvements".

However, the modifications of Datta are based on connecting a LAN to a WAN. See, inter alia, Abstract of Datta, Datta col. 6, lines 34-38, and also col. 3, lines 60+, which states that the advancement/improvements stated by the Office of increasing the bandwidth available to connect a LAN with a WAN.

However, Albert does not involve connecting a LAN with a WAN, but rather involves traffic management within a network service environment. See, inter alia, the title of Albert. The advantage of increased bandwidth when connecting a LAN with a WAN as discussed in Datta is not applicable to the network service environment of Albert, and would provide no benefit there. Accordingly, there is no apparent reason for the proposed combination of Albert and Datta.

Further, even if Albert and Datta were combined, the re-routing would be separate—Albert would be used for traffic management within a network service environment, and Datta would be used for routing outside of the network service environment when connected with a WAN. The associations of a packet with a traffic management done as discussed in Albert would not involve the routing to another router if the fixed affinity did not apply—these would be separate events occurring at entirely different points in the network.

For at least these reasons, it is respectfully submitted that Claim 1 is allowable, and notice to that effect is earnestly solicited. Each of the other rejected independent claims (other than 33-42) is respectfully submitted to be allowable at least for the reasons stated above with regard to Claim 1. Each of the rejected dependent claims (other than 33-42) is respectfully submitted to be allowable at least based on its dependence upon the independent claim from which it depends.

Claim 33 is respectfully submitted to be allowable at least because the proposed combination of Albert and Hong would not meet all of the claim recitations of Claim 33.

The Office states that Albert may be used to teach several of the initial claim recitations, with Hong teaching the recitations involving the partial server-side connection keys, as discussed at paragraphs [0062] and [0063] of Hong. However, Hong discusses an architecture in which traffic is destined for a global IP address which contains a number of replicated servers. (See, inter alia, paragraph [0004] of Hong). In contrast, Albert discusses traffic management using affinity keys, based, among other things, on the destination IP address. (See col. 7, lines 26-61 of Albert). Accordingly, if the combination were used in the context of Albert, there would be separate destination IP addressing, and the content director functioning discussed at paragraphs [0062] and [0063] of Hong would not be employed in such a way as to meet the recitations of Claim 33 involving partial server-side connection keys. However, if the combination were used in the context of Hong, there would be a global IP address, and the fixed affinities of Albert would not be used, and accordingly the earlier recitations of Claim 33 would not be met by the combination.

For at least these reasons, it is respectfully submitted that Claim 33 is allowable, and notice to that effect is earnestly solicited. Claim 36 is respectfully submitted to be allowable at least for reasons similar to those stated above with regard to Claim 33. Claims 34 and 35 are respectfully submitted to be allowable at least because they depend from Claim 33. Claims 37-42 are respectfully submitted to be allowable at least because they depend from Claim 36.

CONCLUSION

It is respectfully submitted that each of the presently pending claims (Claims 1-22, 26-42, 47-48, and 52-59) is in condition for allowance and notification to that effect is requested. Examiner is invited to contact the Applicants' representative at the below-listed telephone number if it is believed that the prosecution of this application may be assisted thereby. Although only certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentable. Applicants reserve the right to raise these arguments in the future.

Payment in the amount of $130.00 covering the fee set forth in 37 CFR 1.17(a)(1) is included herewith. It is believed that no further fees for this submission are necessary; however, should any additional fees be necessary in connection with the filing of this Response, the Commissioner is hereby authorized and requested to charge Deposit Account No. 50-0320 for any such fees.

Dated: April 28, 2010

Respectfully submitted,
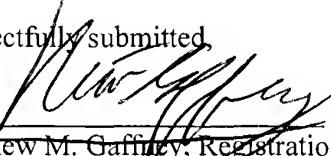
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